

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAVID D. SANTI,)	
)	
Plaintiff,)	Civil Action No. 05-0729
)	
v.)	
)	Honorable Arthur J. Schwab
FALCONI ENTERPRISE,)	
ANGELO F. FALCONI,)	
ANGELO M. FALCONI,)	
ANGIE'S WASHINGTON HONDA)	
HARLEY DAVIDSON,)	
)	
Defendants.)	

**DEFENDANTS FALCONI ENTERPRISES AND ANGELO F. FALCONI'S
STATEMENT OF UNDISPUTED MATERIAL FACTS**

Defendants, Falconi Enterprises, incorrectly named in the caption and Angelo F. Falconi, submit the following Statement of Undisputed Material Facts in support of their Motion for Summary Judgment.

1. Falconi Enterprises is a fictitious name which was filed with the Pennsylvania Department of State by filing made on June 8, 1964. (Affidavit of Edward C. Morasczyk ("Morasczyk Aff.") at ¶ 3)(A copy of the Affidavit of Edward M. Morasczyk is attached in Defendants Falconi Enterprises and Angelo F. Falconi's Appendix Record of Evidence ("Appendix") as Tab A)(Affidavit of Angelo F. Falconi ("A.F.Falconi Aff.") at ¶ 3)(A copy of the Affidavit of Angelo F. Falconi is attached in the Appendix at Tab B).

2. Angelo F. Falconi and Phillip Falconi are the fictitious name owners. (Morasczyk Aff. at ¶ 3)(A.F.Falconi Aff. at ¶ 3).

3. Falconi Enterprises owns some parcels of land which it rents, none of which has any connection with Washington Harley-Davidson, Inc. t/b/d/a Angie's Washington Honda Harley-Davidson. (Morascyzk Aff. at ¶ 4)(A.F.Falconi Aff. at ¶4).

4. Falconi Enterprises has no ownership interest in Washington Harley-Davidson, Inc. t/d/b/a Angie's Washington Honda Harley-Davidson. (Morascyzk Aff. at ¶ 7)(A.F.Falconi Aff. at ¶ 7). Moreover, neither Phillip Falconi nor Angelo F. Falconi serve as either a director or an officer in Washington Harley-Davidson, Inc. t/d/b/a Angie's Washington Honda Harley-Davidson. (Morascyzk Aff. at ¶ 7)(A.F.Falconi Aff. at ¶ 7).

5. Falconi Enterprises has no role in the daily operations, business functions, personnel matters, or control of Washington Harley-Davidson, Inc. t/d/b/a Angie's Washington Honda Harley-Davidson. (Morascyzk Aff. at ¶ 9)(A.F.Falconi Aff. at ¶ 9). Moreover, at no time has Falconi Enterprises or Angelo F. Falconi ever overseen the operations of Washington Harley-Davidson, Inc. t/d/b/a Angie's Washington Honda Harley-Davidson. (A.F.Falconi Aff. at ¶ 11).

6. Falconi Enterprises has no employees. (Morascyzk Aff. at ¶ 5)(A.F.Falconi Aff. at ¶ 5).

7. Angelo F. Falconi was at no time Plaintiff's supervisor or employer. (A.F.Falconi Aff. at ¶ 12).

8. Angelo F. Falconi was not involved in the decision to terminate Plaintiff and only became aware of this fact after Plaintiff's employment had in fact been terminated. (A.F.Falconi Aff. at ¶13).

Respectfully submitted,

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